

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI

**v.
DELMARIO R. REESE**

RESPONDENT,

APPELLANT.

DOCKET NUMBER WD76656

DATE: July 29, 2014

Appeal From:

Livingston County Circuit Court
The Honorable Thomas N. Chapman, Judge

Appellate Judges:

Division Four: Alok Ahuja, Chief Judge, Presiding, Cynthia L. Martin, Judge and Anthony Rex Gabbert, Judge

Attorneys:

Adam S. Rowley, Jefferson City, MO, for respondent.

Samuel E. Buffaloe, Columbia, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

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STATE OF MISSOURI,

RESPONDENT,

v.

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No. WD76656

Livingston County

Before Division Four: Alok Ahuja, Chief Judge, Presiding, Cynthia L. Martin, Judge and Anthony Rex Gabbert, Judge

Delmario Reese appeals his conviction of second-degree assault on a corrections officer. Reese claims that the State presented insufficient evidence to prove that he attempted to assault a corrections officer with a dangerous instrument.

AFFIRMED

The evidence viewed in the light most favorable to the verdict supports the conclusion that Reese attempted to assault a correctional officer with a dangerous instrument. The State presented sufficient evidence for the jury to find that it was Reese's purpose to injure the correctional officer and that he would have taken a substantial step toward the commission of the crime had the correctional officers not intervened. Further, a juror could reasonably infer, based on the evidence, and without speculating, that Reese was aware that he was using a pencil in a way that might cause death or serious physical injury.

Opinion by Cynthia L. Martin, Judge

July 29, 2014

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